

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

United States of America,	)	CRIMINAL NO. 3:09-309-CMC
	)	
v.	)	<b>OPINION and ORDER</b>
	)	
Nelson Eddy Barham, Jr.,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court on Defendant's motion for appointment of counsel. ECF No. 173 (filed Mar. 2, 2012). Defendant seeks appointment of counsel to aid in the preparation and pursuit of a motion for relief under 28 U.S.C. § 2255.

Defendant does not have the right to appointment of counsel to aid in his pursuit of this collateral attack. Section 2255 provides that "in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel . . . [and] [a]ppointment of counsel under this section shall be governed by section 3006(A) of title 18." 28 U.S.C. § 2255(g). Section 3006A(a)(2)(B) provides that "[w]hensoever . . . the court determines that the interests of justice so require, representation may be provided for any financially eligible person who-- . . . is seeking relief under section 2241, 2254, or 2255 of title 28." 18 U.S.C. § 3006A(a)(2)(B).

Defendant contends that because he "is not learned or educated in the law, and does not have the ability to discover, plead and litigate fully all available federal claims . . . [,]" the interests of justice require that this court provide him counsel. Memo. in Support at 2 (ECF No. 173-1). However, Defendant's argument falls short of establishing that the ends of justice require that he be appointed counsel at this stage in the proceedings.

Defendant's motion is, therefore, **denied**.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
March 6, 2012